



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shai N. Gozani et al.
Serial No.: 10/075,217
Filing Date: 02/14/2002
Title: APPARATUS AND METHOD FOR PERFORMING
NERVE CONDUCTION STUDIES WITH
LOCALIZATION OF EVOKED RESPONSES
Group Art Unit: 3736
Examiner: Michael Apanius
Attorney's Docket No.: NEURO-NRO-008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
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November 26, 2008

(DATE OF DEPOSIT)

Margaret M. Carley

(NAME OF ATTORNEY)
Margaret M. Carley
(SIGNATURE)

November 26, 2008

(DATE OF SIGNATURE)

RESPONSE

This is in response to the Official Action currently outstanding with respect to the above-identified patent application.

Claims 24-36, 48-54, 63-74 and 76-90 stand subject to a restriction requirement under 35 USC 121. More particularly, the Examiner indicated that this application contains claims directed to the following patentably distinct species of determining the optimal electrode, and restriction to one of the following species is required under 35 USC 121:

NEURO-NRO-008

Species A, directed to time-domain analysis (see at least page 30, line 6 to page 34, line 9, Fig. 5 and claim 29, 32, 49, 50, 64, 66, 70, 71, 81, 85 and 90); and

Species B, directed to a frequency based analysis (see at least page 34, line 10 to page 35, line 11, Fig. 6 and claims 30, 33, 34, 51-53, 65, 67, 68, 72-74 and 86).

In response, Applicants hereby elect, without prejudice, to prosecute the species of Species A, directed to time-domain analysis.

Claims 24-29, 31, 32, 35, 36, 48-50, 54, 63, 64, 66, 69-71, 76-85 and 87-90 are believed to read on the elected species.

Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

- 3 -

In the event that any fees may be required in this matter,
please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



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NEURO-NRO-008